

**STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION**

**APPLICATION OF FRANKLIN MOUNTAIN
ENERGY 3, LLC FOR COMPULSORY POOLING
AND NOTICE OF OVERLAPPING SPACING UNIT,
LEA COUNTY, NEW MEXICO.**

CASE NOS. 23843-23844

**APPLICATIONS OF FRANKLIN MOUNTAIN
ENERGY 3, LLC FOR COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO**

CASE NOS. 23619-23620

**APPLICATIONS OF COG OPERATING LLC
FOR COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO**

CASE NOS. 23869-23870

UNOPPOSED MOTION TO VACATE PREHEARING ORDER

Franklin Mountain Energy 3, LLC (“Franklin”) moves to vacate the Pre-Hearing Order in these matters and requests that Case Nos. 23619-23620, which are no longer contested, be set for hearing by affidavit on November 2, 2023. As grounds for this Motion, Franklin states:

- 1) Franklin filed Case Nos. 23619-23620 on June 6, 2023. In these cases, Franklin seeks orders from the Division pooling all uncommitted mineral interests in a Bone Spring and a Wolfcamp spacing unit underlying the W2 SW/4 of Section 23, W/2W/2 of Section 26, and the NW/NW of Section 35, Township 18 South, Range 34 East, N.M.P.M., Lea County, New Mexico.
- 2) COG Operating LLC (“COG”) objected to the cases proceeding by affidavit on July 18, 2023.
- 3) Franklin filed Case Nos. 23843-23844 on September 5, 2023. In these cases, Franklin seeks orders from the Division pooling all uncommitted mineral interests in a Bone Spring and a Wolfcamp spacing unit underlying the E/2/SW of Section 23, the E/2W/2 of Section

26, and the NE/NW of Section 35, Township 18 South, Range 34 East, N.M.P.M., Lea County, New Mexico.

4) COG filed competing cases, Case Nos. 23869 and 23870 on September 21, 2023.

5) The Parties have been in discussions and as a result of those discussions the Parties have agreed that (1) Case Nos. 23619-23620 may be presented by affidavit on November 2, 2023; (2) COG will dismiss its competing applications, which it did on October 20, 2023 and which the Division granted on October 20, 2023; and (3) Franklin will continue Case Nos. 23843-23844 to the December 7 docket.

6) COG concurs in the relief sought in this Motion.

Wherefore, Franklin requests that the Pre-Hearing Order be vacated and that Case Nos. 23619 and 23620 be set for uncontested hearings by affidavit on November 2, 2023.

Respectfully submitted,

MODRALL, SPERLING, ROEHL, HARRIS
& SISK, P.A.

By: /s/ Deana M. Bennett

Deana M. Bennett
Earl E. DeBrine
Yarithza Peña
Post Office Box 2168
500 Fourth Street NW, Suite 1000
Albuquerque, New Mexico 87103-2168
Telephone: 505.848.1800
Deana.Bennett@modrall.com
eed@modrall.com
yarithza.pena@modrall.com

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2023, I served a copy of the foregoing document to the following counsel of record via Electronic Mail to:

Michael H. Feldewert
Adam G. Rankin
Paula M. Vance
Post Office Box 2208
Santa Fe, New Mexico 87504
(505) 988-4421
mfeldewert@hollandhart.com
agrarkin@hollandhart.com
pmvance@hollandhart.com

ATTORNEYS FOR COG OPERATING LLC